

PATENT
PD-00-1016

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: RICHARD H. SHERMAN ET AL. : Date: September 26, 2005
Serial No.: 09/853,288 :
Filed: May 11, 2001 : Group Art Unit: 2137
For: CHAOTIC PRIVACY SYSTEM AND METHOD : Examiner: Matthew B. Smithers

PETITION TO REVIVE ABANDONED APPLICATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Petition under 37 C.F.R. § 1.137(b) to revive the above-identified patent application because it was unintentionally abandoned. This Petition is in response to the Notice of Abandonment mailed August 25, 2005.

A response to the Office Action mailed November 4, 2004 was filed with the PTO with a Certificate of Mailing dated May, 23, 2005. However, this response was submitted after the expiration of the six month period for reply, which expired on May, 4, 2005. Consequently, the application became abandoned.

In support of this Petition, it is respectfully submitted that the delay in timely responding to the Office Action was unintentional. In support of this Petition, enclosed is a copy of the Notice of Abandonment under 37 C.F.R. § 1.53 (f) or (g), a copy of the response to the Office Action mailed November 4, 2004, and a check in the amount of \$1500 to cover the costs of filing the § 1.137(b) Petition. It is respectfully submitted that a terminal disclaimer is not required.

A Petition and fee for a four month Extension of Time was filed with the amendment dated May, 23, 2005. Since the application was abandoned and the amendment was not entered, it is respectfully requested that the four month Extension of Time fee of \$1590 submitted with the amendment dated May, 23, 2005 be refunded to the undersigned attorney.

In view of the above, it is respectfully requested that the Petition under 37 C.F.R. § 1.137(b) be granted and the above-identified application be revived.

Respectfully submitted,

Kenneth W. Float
Registration No. 29,233

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

1500

Complete If Known

Application Number	09/853,288
Filing Date	5/11/2001
First Named Inventor	Richard H. Sherman
Examiner Name	Matthew B. Smithers
Art Unit	2137
Attorney Docket No.	00-1016

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	.65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEESFee Description

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>
				50	25	200
- 20 or HP =	x	=		200	100	
HP = highest number of total claims paid for, if greater than 20.				360	180	
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3.						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Fee to revive unintentionally abandoned application

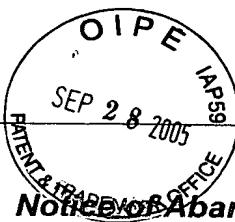
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SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 29,233	Telephone (949) 257-7964
Name (Print/Type)	Kenneth W. Float		Date 9/26/2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Notice of Abandonment

Application No.	Applicant(s)
09/853,288	SHERMAN ET AL.
Examiner	Art Unit
Matthew B. Smithers	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 03 November 2004.
 - (a) A reply was received on 27 May 2005 (with a Certificate of Mailing or Transmission dated 23 May 2005), which is after the expiration of the period for reply (including a total extension of time of 3 month(s)) which expired on 03 May 2005.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:


 Matthew B. Smithers
 Primary Examiner
 Art Unit: 2137

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.